

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

VICTOR RODRIGUEZ,

Defendant.

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STIPULATION AND ORDER

19 Cr. 317 (ER)

WHEREAS, on or about April 30, 2019, VICTOR RODRIGUEZ, (the “Defendant”) was charged in a one-count Information, 19 Cr. 317 (ER) (the “Information”) with narcotics conspiracy, in violation of Title 21, United States Code, Sections 846 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the commission of the offense charged in Count One, and any and all property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense charged in Count One, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One;

WHEREAS, on or about April 3, 2019, at the time of his arrest, the Government seized one silver 2019 Lexus ES350, VIN 58ABZ1B18KU010513 (the “Specific Property”) from the Defendant, which had a hidden compartment in the back seat/trunk area (the “Trap”) containing various narcotics;

WHEREAS, on or about February 26, 2020, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States pursuant to Title 21, United States Code, Section 853, *inter alia*, all of the Defendant's right, title and interest in the Specific Property;

WHEREAS, on or about June 5, 2020, a Preliminary Order of Forfeiture as to Specific Property (the "Preliminary Order of Forfeiture") was entered against the Defendant forfeiting all of the Defendant's right, title and interest in the Specific Property;

WHEREAS, title to the Specific Property is held by "Toyota Motor Credit Corp" ("TOYOTA");

WHEREAS, TOYOTA has advised the Government it has an interest in the Specific Property, and has represented that there is a \$36,741.72 balance due and owing on the Specific Property, and that no payments have been made on the Specific Property since January, 2020; and

WHEREAS, the Government and TOYOTA, in order to avoid litigation, have determined to resolve each of their claims in and to the Specific Property on the terms and conditions set forth below.

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED, by and between the United States of America, by its attorney Audrey Strauss, Acting United States Attorney, Assistant United States Attorney Ryan Finkel, of counsel, and TOYOTA, by and through its counsel, Rudolph J. Meola, Esq., that:

1. The Government shall not seek the forfeiture of the Specific Property.

2. Upon entry of this Stipulation and Order, the New York Police Department ("NYPD") which has custody of the Specific Property, shall release the Specific Property to a representative of TOYOTA from its facility in Springfield Gardens, New York.

3. TOYOTA agrees not to sell or otherwise transfer the Specific Property without first removing the Trap.

4. The terms of this Stipulation and Order shall be subject to approval by the Court. Violation of any terms or conditions herein shall be construed as a violation of an Order of the Court.

5. TOYOTA is hereby barred from asserting or assisting others in asserting, any claims against the United States of America ("USA"), the Department of Justice ("DOJ"), the United States Attorney's Service for the Southern District of New York ("SDNY-USAO"), the Drug Enforcement Agency ("DEA"), the United States Marshals Service ("USMS"), the New York Police Department ("NYPD") or any agents or employees of the USA, the DOJ, the SDNY-USAO, the DEA, the USMS, the NYPD, as well as local and state agents, officers or employees, past and present, in connection with or arising out of the seizure, restraint and/or constructive possession of the Specific Property, including, but not limited to, any claim that there was no probable cause to freeze, seize and/or forfeit the Specific Property or that TOYOTA is entitled to attorney's fees or any award of interest.

6. TOYOTA represents that it is the titled owner of the Specific Property agrees to hold harmless the United States, the DOJ, the SDNY-USAO, the DEA, the USMS, the NYPD and any and all employees, officers, and agents of said entities from any and all third party claims of ownership of the Specific Property, including, but not limited to any and all claims or

potential claims of Maria Lantigua, or Stephanie Lantigua, the mother-in-law and partner, respectively, of the Defendant.

7. TOYOTA hereby agrees to waive all rights to appeal or otherwise contest the validity of this Stipulation and Order.

8. Each party signing this Stipulation and Order warrants that they are authorized to sign this Stipulation and Order on behalf of the party for whom their signature appears.

9. Each party shall bear its own costs and attorney's fees.

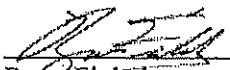
10. This Stipulation and Order constitutes the complete agreement between the parties hereto on the matters raised herein. No other statement, promise or agreement, either written or oral, made by any part of agents or of any party that is not contained in this written Stipulation and Order shall be enforceable and this Stipulation and Order may not be amended except by written consent thereof.

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11. This Stipulation and Order may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the complete Stipulation and Order. Signature pages may be faxed, scanned or emailed, and such signatures shall be treated as originals.

AGREED AND CONSENTED TO:


AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

By: 

Ryan Finkel
Assistant United States Attorney
One Saint Andrew's Plaza
New York, NY 10007
212-637-6612

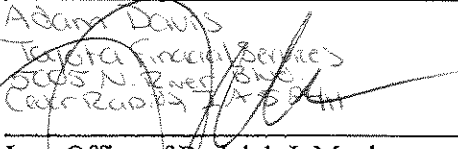
DATE

Toyota Motor Credit Corp.

By: 

Adam Davis
Toyota Financial Services
3005 N. Zeeb Blvd
Clermont, FL 34711

8-13-2020
DATE

By: 

Law Office of Rudolph J. Meola
1822 Western Avenue
Albany, New York 12203

8-17-20
DATE

SO ORDERED:



HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE

September 2, 2020
DATE